

AMENDED IN SENATE JULY 16, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1680

**Introduced by Committee on Elections, Redistricting and
Constitutional Amendments (Longville (Chair), Samuelian
(Vice Chair), Jerome Horton, Levine, Nunez, and Strickland)**

February 21, 2003

An act to amend Sections ~~6768 and 6786~~ 6084, 6086, 6201, 6202, 6203, and 6204 of the Elections Code, relating to presidential primaries, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1680, as amended, Committee on Elections, Redistricting and Constitutional Amendments. ~~Partisan—Democratic~~ presidential primary; ~~declaration; nomination paper~~.

Existing law specifies the procedures for the selection of delegates and alternates at the Democratic Presidential Primary. It requires the Democratic State Central Committee, a specified number of days before the presidential primary, to transmit a list of candidates for pledged delegates and uncommitted delegates to each presidential candidate. It requires the caucus chairperson in each congressional district, a specified number of days before the presidential primary, to convene a caucus to select potential delegates and alternate delegates.

This bill would permit the Democratic State Central Committee to specify the date by which these actions must be done.

Existing law requires that 239 district-level delegates and 40 alternates be elected by preprimary caucuses held on a specified date to slate delegates, followed by a presidential preference primary.

This bill would increase the number of district-level delegates to be elected to 241, and would permit the Democratic State Central Committee to specify the date by which the preprimary caucuses must be conducted.

Existing law specifies that the presidential preference primary be conducted on a specified date.

This bill would require the Secretary of State to set the date on which the presidential preference primary is to be conducted.

This bill would also permit the Democratic State Central Committee to specify the date by which procedures must be done for the qualification and selection of district-level delegates or alternates, add-on delegates, party leader and elected official delegates, and 81 at-large delegates and 21 at-large alternates.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires a candidate for Peace and Freedom Party delegate to the party's national convention to file with the Secretary of State a declaration, in a specified format, stating various items of information.~~

~~This bill would make a technical change in that declaration.~~

~~Existing law requires the filing of a nomination paper for a candidate for the presidential preference portion of the Peace and Freedom Party presidential primary ballot.~~

~~This bill would make a technical change in that nomination paper.~~

~~Vote: majority $\frac{2}{3}$. Appropriation: no. Fiscal committee: no yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 6768 of the Elections Code is amended~~
- 2 *SECTION 1. Section 6084 of the Elections Code is amended*
- 3 *to read:*
- 4 *6084. On or before the 56th day a day specified by the*
- 5 *Democratic State Central Committee preceding the presidential*
- 6 *primary, the Democratic State Central Committee shall transmit to*
- 7 *the steering committee of each presidential candidate and*
- 8 *uncommitted delegation a list of all persons who have filed a*

1 declaration of candidacy for delegate pledged to that presidential
2 candidate or uncommitted delegation.

3 *SEC. 2. Section 6086 of the Elections Code is amended to*
4 *read:*

5 6086. ~~On the 44th day~~ *a day specified by the Democratic State*
6 *Central Committee* preceding the presidential primary election, at
7 3 p.m., the caucus chairperson in each congressional district shall
8 convene a caucus for the purpose of electing potential delegates
9 and alternate delegates. The steering committee of each candidate
10 or uncommitted delegation shall have sole authority to establish
11 rules and procedures, including the naming of caucus
12 chairpersons, by which the caucuses of that candidate or
13 uncommitted delegation shall be conducted. The rules and
14 procedures shall be uniform statewide, and in compliance with the
15 Democratic State Central Committee's delegate selection and
16 affirmative action plan. Each caucus shall elect a slate of delegate
17 nominees in each congressional district pursuant to Article 2
18 (commencing with Section 6020), ranked in the manner specified
19 by this section. The slate shall be transmitted to the steering
20 committee of each candidate and uncommitted delegation.

21 Each participant at each caucus shall reside in, and be a
22 registered Democrat of, the congressional district of the caucus he
23 or she attends and each shall sign a statement of support for that
24 presidential candidate or uncommitted delegation. Within five
25 days after the convening of the caucus, the steering committee of
26 each candidate or uncommitted delegation shall rank the delegate
27 candidates from the slate of delegate candidates provided by each
28 caucus pursuant to procedures in compliance with the Democratic
29 State Central Committee's delegate selection and affirmative
30 action plan. Immediately thereafter, the chairperson of a steering
31 committee shall file with the Secretary of State a statement
32 containing the names of delegate candidates in ranked order from
33 each congressional district. In all cases, the slate for each
34 congressional district shall be equal to the number of delegates and
35 alternate delegates allotted to each congressional district pursuant
36 to Section 6023.

37 *SEC. 3. Section 6201 of the Elections Code is amended to*
38 *read:*

6201. (a) District level delegate positions shall be allocated to presidential preferences through a primary proportional representation system.

(b) The ~~239~~ 241 district-level delegates and 40 alternates shall be elected by preprimary caucuses to slate delegates followed by a presidential preference primary.

(1) The preprimary caucuses shall be conducted on ~~Sunday, January 23, 2000, at 3 p.m.~~ a date and time specified by the Democratic State Central Committee.

(2) The presidential preference primary shall be conducted on ~~Tuesday, March 7, 2000~~ in accordance with a date set by the Secretary of State.

(c) The ~~239~~ 241 delegates and 40 alternates shall be apportioned to districts as follows:

| District | Delegates | | | Alternates | | |
|----------|-----------|-------|-------|------------|-------|-------|
| | Females | Males | Total | Females | Males | Total |
| #1 | 3 | 2 | 5 | 0 | 1 | 1 |
| #2 | 2 | 3 | 5 | 1 | 0 | 1 |
| #3 | 3 | 2 | 5 | 0 | 1 | 1 |
| #4 | 2 | 3 | 5 | 1 | 0 | 1 |
| #5 | 3 | 2 | 5 | 0 | 1 | 1 |
| #6 | 3 | 3 | 6 | 1 | 0 | 1 |
| #7 | 2 | 3 | 5 | 1 | 0 | 1 |
| #8 | 3 | 3 | 6 | 0 | 1 | 1 |
| #9 | 3 | 3 | 6 | 0 | 1 | 1 |
| #10 | 3 | 2 | 5 | 0 | 1 | 1 |
| #11 | 2 | 2 | 4 | 1 | 0 | 1 |
| #12 | 2 | 3 | 5 | 1 | 0 | 1 |
| #13 | 3 | 2 | 5 | 0 | 1 | 1 |
| #14 | 2 | 3 | 5 | 1 | 0 | 1 |
| #15 | 3 | 2 | 5 | 0 | 1 | 1 |
| #16 | 2 | 3 | 5 | 1 | 0 | 1 |
| #17 | 3 | 2 | 5 | 0 | 1 | 1 |
| #18 | 2 | 2 | 4 | 1 | 0 | 1 |
| #19 | 2 | 2 | 4 | 0 | 1 | 1 |
| #20 | 2 | 2 | 4 | 0 | 0 | 0 |
| #21 | 2 | 2 | 4 | 0 | 0 | 0 |
| #22 | 2 | 3 | 5 | 1 | 0 | 1 |
| #23 | 3 | 2 | 5 | 0 | 1 | 1 |
| #24 | 2 | 3 | 5 | 1 | 0 | 1 |
| #25 | 2 | 2 | 4 | 0 | 0 | 0 |
| #26 | 2 | 2 | 4 | 1 | 0 | 1 |
| #27 | 3 | 2 | 5 | 0 | 1 | 1 |

| | | | | | | | |
|----|-----|---|---|---|---|---|---|
| 1 | #28 | 2 | 2 | 4 | ± | 0 | ± |
| 2 | #29 | 3 | 3 | 6 | 0 | ± | ± |
| 3 | #30 | 2 | 2 | 4 | 0 | 0 | 0 |
| 4 | #31 | 2 | 2 | 4 | 0 | 0 | 0 |
| 5 | #32 | 2 | 3 | 5 | ± | 0 | ± |
| 6 | #33 | 2 | 2 | 4 | 0 | 0 | 0 |
| 7 | #34 | 3 | 2 | 5 | 0 | ± | ± |
| 8 | #35 | 2 | 3 | 5 | ± | 0 | ± |
| 9 | #36 | 3 | 2 | 5 | 0 | ± | ± |
| 10 | #37 | 2 | 2 | 4 | ± | 0 | ± |
| 11 | #38 | 2 | 3 | 5 | ± | 0 | ± |
| 12 | #39 | 2 | 2 | 4 | 0 | ± | ± |
| 13 | #40 | 2 | 2 | 4 | 0 | 0 | 0 |
| 14 | #41 | 2 | 2 | 4 | 0 | 0 | 0 |
| 15 | #42 | 2 | 2 | 4 | 0 | ± | ± |
| 16 | #43 | 2 | 2 | 4 | 0 | 0 | 0 |
| 17 | #44 | 2 | 2 | 4 | 0 | 0 | 0 |
| 18 | #45 | 2 | 2 | 4 | ± | 0 | ± |
| 19 | #46 | 2 | 2 | 4 | 0 | 0 | 0 |
| 20 | #47 | 2 | 2 | 4 | 0 | ± | ± |
| 21 | #48 | 2 | 2 | 4 | 0 | 0 | 0 |
| 22 | #49 | 3 | 2 | 5 | 0 | ± | ± |
| 23 | #50 | 2 | 2 | 4 | ± | 0 | ± |
| 24 | #51 | 2 | 2 | 4 | ± | 0 | ± |
| 25 | #52 | 2 | 2 | 4 | 0 | ± | ± |

~~This apportionment shall be based on a formula giving equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections.~~

(d) (1) An individual may qualify as a candidate for district-level delegate or alternate to the ~~2000~~ Democratic National Convention by filing a statement of candidacy and pledge of support with the state chair at the party office at ~~911 20th Street~~ 1401 21st Street, Suite 100, Sacramento, California 95814. Statements can be requested from the state party beginning ~~Tuesday, November 9, 1999 at a date specified by the Democratic State Central Committee.~~ Candidacy statements can be returned beginning ~~Tuesday, December 14, 1999 at a date and time specified by the Democratic State Central Committee,~~ and must be received by the party office ~~no later than 5 p.m., Thursday, January 6, 2000 by a date and time specified by the Democratic State Central Committee.~~

(2) All delegate candidates shall be identified as to presidential preference, uncommitted or unpledged status at all levels which determine presidential preference.

(e) The California primary election is a “binding” primary. Accordingly, delegate and alternate positions shall be allocated so as to fairly reflect the expressed presidential or uncommitted status of the primary voters in each district. Therefore, the national convention delegates elected at the district level shall be allocated in proportion to the percentage of the primary vote won in that district by each preference, except that preferences falling below a 15 percent threshold shall not be awarded any delegates or alternates.

(f) If no presidential preference reaches a 15 percent threshold, the threshold shall be the percentage of the vote received at each level of the delegate selection process by the front-runner minus 10 percent.

(g) Presidential candidates shall certify their authorized representatives to the state party chair ~~no later than 5 p.m., December 16, 1999~~ *by a date and time specified by the Democratic State Central Committee*. The state party chair shall convey to the presidential candidate, or that candidate’s authorized representative or representatives, ~~not later than Tuesday, January 11, 2000, at 5 p.m.~~ *by a date specified by the Democratic State Central Committee*, a list of all persons who have filed for delegate or alternate pledged to that presidential candidate. Each presidential candidate, or that candidate’s authorized representative or representatives, shall file with the state party chair by ~~Tuesday, January 18, 2000, at 5 p.m.~~ *a date specified by the Democratic State Central Committee*, a list of all the candidates he or she has approved, provided that approval is given to at least three times the number of candidates for delegate and three times the number of candidates for alternates to be selected. Failure to respond shall be deemed approval of all delegate and alternate candidates submitted to the presidential candidate unless the presidential candidate, or the candidate’s authorized representative or representatives, signifies otherwise in writing to the state party chair ~~no later than Tuesday, January 18, 2000, at 5 p.m.~~ *a date specified by the Democratic State Central Committee*.

(h) ~~On Sunday, January 23, 2000~~ *a date and time specified by the Democratic State Central Committee*, candidate and

uncommitted caucuses shall be held to elect a slate of potential delegates equal to at least the number of delegates plus alternates allocated to the congressional district. The California delegation shall be equally divided between delegate men and delegate women, and alternate men and alternate women. These goals apply to the California delegation as a whole. Delegates and alternates shall be considered separate groups for purposes of achieving equal division.

Provisions for achieving equal division at the district level shall be as follows: Each candidate and uncommitted caucus shall elect a slate of potential delegates equal to at least the number of delegates plus alternates allocated to that congressional district. Potential delegates shall be ranked pursuant to procedures in compliance with the Democratic State Central Committee's delegate selection and affirmative action plan. Following the primary, delegate and alternate positions allocated to a presidential candidate or uncommitted delegation shall be filled from the list of ranked potential delegates in the order in which they are ranked.

(i) The State Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee (DNC) the election of the state's district level delegates and alternates to the Democratic National Convention within three days after their election.

SEC. 4. Section 6202 of the Elections Code is amended to read:

6202. (a) The following individuals shall constitute the unpledged delegate positions:

- (1) Members of the DNC who legally reside in the state.
- (2) The Governor if he or she is a Democrat.
- (3) All Democratic Members of Congress who legally reside in the state.
- (4) All "distinguished party leader" delegates who legally reside in the state.
- (5) Five add-on delegates.

(b) The procedures to be used in selecting the five add-on unpledged delegates shall be as follows:

- (1) The add-on delegates shall be nominated by the state party chair and elected at the meeting of district level delegates on ~~Saturday, April 8, 2000~~ *a date specified by the Democratic State Central Committee*. These delegates shall be selected after the

1 election of district-level delegates and alternates, and prior to the
2 selection of the pledged party and elected official delegates.

3 (2) The equal division and affirmative action provisions of
4 Rule 9A of the Delegate Selection Rules for the ~~2000~~ Democratic
5 National Convention apply to the selection of these add-on
6 unpledged delegates.

7 (3) The list from which the selecting body chooses the add-on
8 unpledged delegates shall, at a minimum, contain two names for
9 every unpledged add-on position to be filled.

10 (c) The process for certification of the unpledged party leader
11 and elected official delegates is as follows:

12 (1) ~~Not later than March 1, 2000, the~~ The Secretary of the
13 Democratic National Committee shall officially confirm to the
14 State Democratic Chair the names of the unpledged delegates who
15 legally reside in California.

16 (2) Official confirmation by the Secretary shall constitute
17 verification of the unpledged delegates from the categories
18 indicated above.

19 (3) Add-on unpledged delegates, selected pursuant to the Call
20 for the ~~2000~~ Democratic National Convention, shall be certified
21 in writing to the Secretary of the DNC within three days after their
22 selection.

23 *SEC. 5. Section 6203 of the Elections Code is amended to*
24 *read:*

25 6203. (a) California is allotted 48 pledged party leader and
26 elected official delegates.

27 (b) Individuals shall be eligible for the pledged party leader and
28 elected official delegate positions according to the following
29 priority: big city mayors and statewide elected officials (to be
30 given equal consideration), state legislative leaders, state
31 legislators, and other state, county, and local elected officials and
32 party leaders.

33 (c) These delegates shall be selected by a committee consisting
34 of all the district-level delegates.

35 (d) Selection of these delegates shall occur ~~on Sunday, April 9,~~
36 ~~2000,~~ at a site, *date*, and time to be determined by the state party
37 chair. The selection of these delegates shall be after the election of
38 district delegates and alternates and the unpledged add-on
39 delegates and prior to the selection of at-large delegates and
40 alternates.

(e) An individual may qualify as a candidate for a position as a pledged party leader and elected official delegate by filing a statement of candidacy and pledge of support with the state party chair that includes all the provisions included in the statement of candidacy and pledge of support required of district-level candidates. An individual may or may not previously have filed a statement of candidacy and still be eligible to file under this category. Statements shall be available at the state party beginning ~~December 28, 1999~~ *at a date specified by the Democratic State Central Committee*. Statements shall be accepted beginning ~~January 10, 2000, and ending March 9, 2000, at 5 p.m. and ending on a date specified by the Democratic State Central Committee.~~

(f) These pledged party leader and elected official slots shall be allocated among presidential preferences on the same basis as the at-large delegates.

(g) Delegate candidates shall be identified as to presidential or uncommitted status at the pledged party and elected official level. If persons eligible for pledged party and elected official delegate positions have not made known their presidential preference as candidates for district level or at-large delegate positions, their preference shall be ascertained through the aforementioned required qualification statement.

(h) The state party chair shall convey to the presidential candidate, or that candidate's authorized representative or representatives, ~~not later than March 15, 2000~~ *by a date specified by the Democratic State Central Committee*, a list of all persons who have filed for a party and elected official delegate pledged to that presidential candidate. Each presidential candidate, or that candidate's authorized representative or representatives, shall then file with the state party chair, ~~by March 21, 2000~~ *by a date specified by the Democratic State Central Committee*, a list of all the candidates he or she has approved, provided that approval is given to at least two times the number of candidates for delegate to be selected. Failure to respond shall be deemed approval of all delegate candidates submitted to the presidential candidate unless the presidential candidate, or the candidate's authorized representative or representatives, signifies otherwise in writing to the state party chair ~~no later than 5 p.m. on March 21, 2000~~ *a date and time specified by the Democratic State Central Committee.*

(i) Alternates are not selected at the pledged party leader and elected official level. These alternates are combined with the at-large alternates and selected as one unit.

(j) The state party chair shall certify in writing to the Secretary of the DNC the election of the state's pledged party leader and elected official delegates and alternates to the Democratic National Convention within three days after their election.

SEC. 6. Section 6204 of the Elections Code is amended to read:

6204. (a) The State of California is allotted ~~80~~ 81 at-large delegates and 21 at-large alternates.

(b) These delegates and alternates shall be selected by a committee consisting of all the district-level delegates on ~~Sunday, April 9, 2000~~ a date specified by the Democratic State Central Committee. The selection shall occur after all unpledged delegates and pledged party leader and elected official delegates have been selected.

(c) At-large delegate and alternate positions shall be allocated among presidential preferences according to the statewide primary vote. Preferences which have not attained a 15 percent threshold on a statewide basis shall not be entitled to any at-large delegates.

If a given presidential preference is entitled to one or more delegate positions but would not otherwise be entitled to an alternate position, that preference shall be allotted one at-large alternate position.

(d) In the selection of the at-large delegation, priority of consideration shall be given to African Americans, Hispanics, Native Americans, Asian/Pacific Americans, lesbian women, gay men, the disabled, and women. The election of at-large delegates and alternates shall be used, if necessary, to achieve the equal division of positions between men and women, and may be used to achieve the representation goals established in the affirmative action section of this plan. Delegates and alternates are to be considered separate groups for this purpose.

(e) Persons desiring to seek these at-large delegate or alternate positions may file a statement of candidacy designating their presidential or uncommitted preference and a signed pledge of support for the presidential candidates (including uncommitted status) with the state party by ~~5 p.m., March 21, 2000~~ a date and time specified by the Democratic State Central Committee. The

1 state party chair shall convey to the presidential candidate, or that
 2 candidate's authorized representative or representatives, not later
 3 than ~~March 28, 2000~~ *a date specified by the Democratic State*
 4 *Central Committee*, a list of all persons who have filed for delegate
 5 or alternate pledged to that presidential candidate. Each
 6 presidential candidate, or that candidate's authorized
 7 representative or representatives, at the meeting of the
 8 district-level delegates on ~~April 9, 2000~~ *a date specified by the*
 9 *Democratic State Central Committee*, must provide to the State
 10 Democratic Chair, within 30 minutes after the pledged party
 11 leaders and elected officials have been selected by the committee
 12 of district-level delegates, a list of all the candidates he or she has
 13 approved, provided that, at a minimum, two names remain for
 14 every national convention delegate or alternate position to which
 15 the presidential candidate is entitled.

16 (f) The statement of candidacy for at-large delegates and for
 17 at-large alternates shall be the same. After the at-large delegates
 18 are elected by the district level delegates, those persons not chosen
 19 shall then be considered candidates for at-large alternate positions
 20 unless they specify otherwise when filing.

21 (g) If a presidential candidate is no longer a candidate at the
 22 time of selection of the at-large delegates, those at-large slots that
 23 would have been allocated to the candidate shall be proportionally
 24 divided among the remaining preferences entitled to an allocation.

25 (h) The state party chair shall certify in writing to the Secretary
 26 of the DNC the election of the state's at-large delegates and
 27 alternates to the Democratic National Convention within three
 28 days after their election.

29 *SEC. 7. This act is an urgency statute necessary for the*
 30 *immediate preservation of the public peace, health, or safety*
 31 *within the meaning of Article IV of the Constitution and shall go*
 32 *into immediate effect. The facts constituting the necessity are:*

33 *In order to ensure that procedures for selecting presidential*
 34 *delegates are updated in time for the 2004 presidential primary, it*
 35 *is necessary that this act take effect immediately.*

36 ~~to read:~~

37 ~~6768. The declaration of a candidate for delegate shall be in~~
 38 ~~substantially the following form:~~

~~State of California~~ †
County of _____ † ss.

—I, _____, reside and am a registered voter at _____,

(street address)
in the _____ of _____,
(city or town)
in the County of _____, State of California.

I desire to be a candidate, at the presidential primary to be held on the ____ day of March, 20__, for delegate to the next national convention of the ____ Party with which the Peace and Freedom Party of California is affiliated on the national level and I will qualify as a delegate if elected.

~~I personally prefer _____ as the nominee of the Peace and Freedom Party for President of the United States, and hereby declare to the voters of the Peace and Freedom Party in the State of California that if elected as delegate to the national party convention, I shall to the best of my judgment and ability, support _____ as the nominee of the Peace and Freedom Party for President of the United States. (This statement of preference shall be omitted where the candidate for delegate is part of a group not expressing a preference for a particular presidential candidate.)~~

~~I declare under penalty of perjury that the foregoing is true and correct.~~

Executed at _____, California, this ____ day of ____, 20__.

(Signed) _____

~~SEC. 2. Section 6786 of the Elections Code is amended to read:~~

~~6786. The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:~~

~~SECTION OF NOMINATION PAPER SIGNED BY VOTER
ON BEHALF OF PRESIDENTIAL PREFERENCE
PRIMARY CANDIDATE~~

Section _____ Page _____
County of _____.

~~—Nomination paper of a presidential preference candidate for the Peace and Freedom Party presidential primary ballot—~~

State of California †
County of _____ † ss.

SIGNER'S STATEMENT

~~I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate _____ for the presidential preference portion of the Peace and Freedom Party's presidential primary ballot, to be voted for at the presidential primary to be held on the _____ day of March, 20____. I have not signed the nomination paper of any other candidate for the same office, or for any group of delegates to the national convention of the _____ Party, with which the Peace and Freedom Party of California is affiliated on the national level.~~

| | | | |
|--------------|-----------------|------------|----------------|
| | | | Residence |
| | | | street address |
| Number _____ | Signature _____ | name _____ | /city _____ |

1. _____
2. _____
3. _____
etc. _____

CIRCULATOR'S DECLARATION

~~I, _____, affirm that I am a voter registered as affiliated with the Peace and Freedom Party in _____ County, that I secured signatures in the County of _____ to the nomination paper of a candidate in the presidential preference primary of the Peace and Freedom Party, that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20____, and _____, 20____, and that to the best of my knowledge and belief each signature is the~~

- 1 ~~genuine signature of the person whose name it purports to be.~~
2 ~~—I declare under penalty of perjury that the foregoing is true and correct.~~
3 ~~—Executed at _____, California, this _____ day of _____, 20__.~~
4
5 (Signed) _____
6 _____ Circulator
7 (Printed name) _____
8

